

Legislative Regulation Review Committee

2009-068a

Connecticut Agriculture Experiment Station

**CONCERNING THE ASIAN LONGHORN
BEETLE & EMERALD ASH BORER**

The Connecticut Agricultural Experiment Station
Concerning
Asian Longhorned Beetle (*Anoplophora glabripennis*)
And
Emerald Ash Borer (*Agrilus planipennis*) Quarantine

The Regulations of Connecticut State Agencies are amended by adding sections 22-84-5d through 22-84-5f, inclusive, as follows:

(NEW) Section 22-84-5d Definitions

For the purposes of sections 22-84-5e and 22-84-5f, the following definitions apply:

- (1) "Asian longhorned beetle" means an invasive insect to the United States of genus and species *Anoplophora glabripennis*.
- (2) "Emerald ash borer" means an invasive insect to the United States of genus and species *Agrilus planipennis*.
- (3) "Authorized person" means an inspector or other person authorized by the DIRECTOR of The Connecticut Agricultural Experiment Station to examine regulated articles, implement survey, suppression, control or eradication activities, establish regulated areas, and enforce quarantine regulations, including restrictions on intrastate movement of regulated articles.
- (4) "Regulated article" means any stage of Asian longhorned beetle or Emerald ash borer, or any living or dead plant material including nursery stock or wood products, or any means of conveyance that is infested or has the potential to be infested or may contribute to the spread of the Asian longhorned beetle or Emerald ash borer.
"Regulated articles" include, but are not limited to:
 - (A) Trees of the following genera: Maple, Boxelder (*Acer spp.*); Horse-chestnut, buckeye (*Aesculus spp.*); Birch (*Betula spp.*); Katsura (*Cercidiphyllum spp.*); Willow (*Salix spp.*); Elm (*Ulmus spp.*); Ash (*Fraxinus spp.*); Sycamore (*Platanus spp.*); Poplar (*Populus spp.*); Mimosa (*Albizia spp.*); Mountain-ash (*Sorbus spp.*); Hackberry (*Celtis spp.*);
 - (B) Raw wood products, including composted or uncomposted chips of *Fraxinus spp.* for Emerald ash borer quarantines, green lumber, cut logs, all firewood (hardwoods), and wood debris of one-half inch or more in diameter;
 - (C) Any other item identified by an authorized person to be a "regulated article" that is infested or has potential to be infested by the Asian longhorned beetle or Emerald ash borer or that has the ability to contribute to the spread of the Asian longhorned beetle or Emerald ash borer.
- (5) "Regulated area" means a geographic area infested with Asian longhorned beetle or Emerald ash borer or an adjacent area potentially infested with either such insect that is established by an authorized person to quarantine regulated articles.

(NEW) Section 22-84-5e Prohibition or restriction on transport; survey and eradication programs in regulated areas of Connecticut

- (a) No person shall transport any regulated article in the State of Connecticut that is:
 - (1) Infested or potentially infested with Asian longhorned beetle or Emerald ash borer; or
 - (2) Subject to quarantine pursuant to subsections (c) and (d) of this section.

(b) Nursery stock and other regulated articles may be inspected by authorized persons for the purpose of ascertaining the presence of Asian longhorned beetle or Emerald ash borer.

(c) Upon discovery of Asian longhorned beetle or Emerald ash borer, authorized persons may cooperate with federal, state, and local officials and survey public and private areas surrounding the initial point of infestation to determine the extent of the insect pest's geographic distribution, establish the regulated area in the state or any portion thereof, and quarantine regulated articles. Infested trees, firewood, or other regulated articles in regulated areas or shipped into Connecticut, upon direction by an authorized person and after notice specified in subsection (d) of this section, may be destroyed by chipping, incineration, burning, or other approved methods or treated by acceptable procedures without expense to or indemnity paid by The Connecticut Agricultural Experiment Station or the State of Connecticut. Intrastate movement of regulated articles is restricted and shall comply with permit provisions established pursuant to subsection (d) of this section.

(d) Authorized persons shall notify persons in possession of inspected, regulated articles that such articles are subject to quarantine restrictions and that regulated articles cannot be moved anywhere without obtaining a permit from the Director or an authorized person. The Director shall issue a permit to ensure proper movement and disposal of regulated articles. Requests for a permit to move regulated articles shall be submitted to the Director or an authorized person. Authorized persons may issue quarantine or abatement orders concerning Asian longhorned beetle or Emerald ash borer infestations. Affected parties shall be provided five days notice prior to public hearing on any quarantine order in accordance with Section 22-84 of the Connecticut General Statutes. Abatement orders may require the destruction or treatment of trees, firewood or other regulated articles not less than five days from the date of issuance. Notice of abatement orders shall be provided by personal service, certified mail or publishing in two local newspapers. When infested regulated articles are received by authorized persons and destroyed, written certificates shall be given by the Director or authorized persons to the owner of said regulated articles identifying the quantity and type of regulated materials surrendered by the owner. Copies of such certificates shall be maintained by the Office of the State Entomologist.

(NEW) Section 22-84-5f Records of infestations in Connecticut

In the Office of the State Entomologist at The Connecticut Agricultural Experiment Station, 123 Huntington Street, P. O. Box 1106, New Haven, Connecticut 06504-1106, the Director shall maintain records of destroyed regulated articles, survey results, and of a list of towns where infested regulated articles have been found. This list shall be available upon request.

Statement of purpose: To suppress, control, or eradicate infestations of Asian longhorned beetle or Emerald ash borer in regulated areas by prohibiting or restricting the movement of these insect pests or the movement of infested nursery stock, cut logs, firewood, or other regulated articles. These insect pests destroy a wide range of hardwood tree species, many of which are important for nursery trade, furniture production, building materials, maple syrup production, enhancing tourism, or environmental quality. The quarantine program will prevent the spread of the insect pests and provide measures for suppression and control. The regulations provide specific guidelines and procedures for the management of pest infestations under the authority of Connecticut General Statute 22-84.

Be it known that the foregoing:

Regulations Emergency Regulations

are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Sections 22-84 of the General Statutes.

Section of the General Statutes, as amended by Public Act. No. of the Public Acts.

Public Act. No of the Public Acts.

After publication in the Connecticut Law Journal on 9/15/2009 the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on 10/28/2009

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The ____ day of ____ 20__.

In Witness Whereof:	Date Jan. 28, 2010	SIGNED (Head of Board, Agency or Commission) <i>Louis A. Magnanelli</i>	OFFICIAL TITLE, DULY AUTHORIZED DIRECTOR
---------------------	-----------------------	--	---

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED <i>W B R</i>	DATE 2/16/10	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
---	------------------------	-----------------	---

Approved

Disapproved

Disapproved in part, (Indicate Section Numbers disapproved only)

Rejected without prejudice.

The Legislative Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
---	------	---

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
------	---------------------------------	----

INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

Eighteen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.

Be it known that the foregoing:

Regulations Emergency Regulations

are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Sections 22-84 of the General Statutes.

Section of the General Statutes, as amended by Public Act No. of the Public Acts.

Public Act No. of the Public Acts.

After publication in the Connecticut Law Journal on 9/15/2009 the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on 10/28/2009

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The ____ day of ____ 20 ____.

In Witness Whereof:	Date Nov. 4, 2009	SIGNED (Head of Board, Agency or Commission) <i>Louis A. Magnanelli</i>	OFFICIAL TITLE, DULY AUTHORIZED DIRECTOR
---------------------	----------------------	--	---

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED <i>WLB AK 11/20/09</i>	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
---	----------------------------------	---

Approved

Disapproved

Disapproved in part, (Indicate Section Numbers disapproved only)

Rejected without prejudice.

The Legislative Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes	DATE 1/26/2010	SIGNED (Clerk of the Legislative Regulation Review Committee) <i>Samela B. Boston</i>
---	-------------------	--

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
------	---------------------------------	----

INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

Eighteen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.